

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.159 of 2023**

Arising Out of PS. Case No.-93 Year-2022 Thana- DHANAHA District- West Champaran

RAMPATIYA DEVI @ RAMPATI DEVI Wife of Haridwar Chaudhary
Resident of village - Dahwa, P.S.- Dhanaha, District - West Champaran.

... .. Appellant/s

Versus

1. The State of Bihar
2. Vanshraj Gond Son of Late Tekman Gond Resident of village - Dahwa, P.S.-
Dhanaha, District - West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Abhishek Kumar
For the Respondent/s : Mr.Binay Krishna

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 20-04-2023 Heard learned counsel for the appellant, learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 21.11.2022 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST Act, West Champaran at Bettiah in BP No. 5180 of 2022 whereby the prayer for bail of the appellant in connection with Dhanaha P.S. Case no. 93 of 2022 under Sections 147, 149, 341, 323, 302, 120-B of the Indian Penal Code and sections 3(1)(r)(S) and 3(2)(v) of the SC/ST Act was rejected.

As per allegation in the FIR, appellant and other accused persons in the background of land dispure, assaulted the



son of the informant and husband of the appellant, namely, Haridwar Chaudhary gave a bamboo blow on the head of the son of the informant, who became unconscious. The son of the informant died during his treatment. The informant, his son and his wife also received injuries.

It is submitted by learned counsel for the appellant that appellants has been falsely implicated in this because she is wife of main accused. Specific allegation of assaulting to the son of the informant is against husband of the appellant. This allegation is corroborated by the post-mortem report which also shows single lacerated wound on the head of the deceased which resulted in his death. General and omnibus allegation has been levelled against the appellant. She have not taken the cast name of the informant in public view. No offence is made out under the provisions of the SC/ST Act against them. She has got no criminal antecedent. Similarly situated other accused person has already been enlarged on bail by another coordinate Bench of this Court vide order dated 22.12.2022 passed in Cr. Appeal (SJ) 3168 of 2022..

The appeal for bail is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and



taking into consideration that there is general and omnibus allegation against the appellant, the Court is inclined to allow this appeal. Accordingly, the appeal is allowed and the impugned order dated 21.11.2022 passed in B.P. No. 5180 of 2022 is hereby set aside. Appellant is languishing in judicial custody since 6.10.2022.

The appellant is directed to be enlarged on bail in connection with Dhanaha P.S. Cse No. 93 of 2022 on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-the Special Judge, SC/ST Act, West Champaran at Bettiah.

(Sunil Kumar Panwar, J)

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